

1 STEPHANIE M. HINDS (CABN 154284)
2 Acting United States Attorney

3 HALLIE HOFFMAN (CABN 210020)
4 Chief, Criminal Division

5 JEFFREY B. SCHENK (CABN 234355)
6 JOHN C. BOSTIC (CABN 264367)
7 ROBERT S. LEACH (CABN 196191)
8 KELLY I. VOLKAR (CABN 301377)
9 Assistant United States Attorneys

10 150 Almaden Boulevard, Suite 900
11 San Jose, California 95113
12 Telephone: (408) 535-5061
13 Fax: (408) 535-5066
14 Kelly.Volkar@usdoj.gov

15 Attorneys for United States of America

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION

19 UNITED STATES OF AMERICA,) Case No. 18-CR-00258 EJD
20 Plaintiff,)
21 v.) DECLARATION OF KELLY I. VOLKAR IN
22 ELIZABETH HOLMES,) SUPPORT OF UNITED STATES' OPPOSITION
23 Defendant.) TO DEFENDANT'S ECF NO. 1000 MOTION TO
24) EXCLUDE TESTIMONY OF TRIAL WEEK OF
25) SEPTEMBER 6, 2021 WITNESSES
26)
27) Date: September 8, 2021
28) Time: 8:30 a.m.
29) Court: Hon. Edward J. Davila

1 I, Kelly I. Volkar, declare:

2 1. I am an Assistant United States Attorney (AUSA) representing the United States of
3 America, the plaintiff in this case.

4 2. Attached hereto as Exhibit 1 is a true and correct copy of a September 2, 2021, email
5 from the government to defense counsel.

6 3. Attached hereto as Exhibit 2 is a true and correct copy of a September 4, 2021, email
7 from defense counsel to government counsel.

8 4. Attached hereto as Exhibit 3 is a true and correct copy of the transcript from the
9 August 16, 2021, hearing before the Court.

10 5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of text messages
11 exchanged between Elizabeth Holmes and Ramesh "Sunny" Balwani, as contained in government trial
12 exhibit 5387 at PRH_0000219–22 and PRH_0000254–55, which was provided to the government by a
13 custodian of PricewaterhouseCoopers LLP and produced to defense counsel starting with Bates-stamp
14 PRH_0000001.

15 6. Attached hereto as Exhibit 5 is a true and correct copy of letter dated June 26, 2015
16 from Boies, Schiller & Flexner LLP to Erika Cheung outlining notice of potential litigation, which is
17 government trial exhibit 2567 and was produced to defense counsel starting with Bates-stamp PFM-
18 DEPO-00005078.

19 7. Attached hereto as Exhibit 6 is a true and correct copy of an email from Sunny Balwani
20 to Danise Yam on or about June 25, 2015, which was produced to defense counsel with Bates-stamp
21 THPFM0005636527 and SEC2-USAO-EPROD-001504407.

22 8. Attached hereto as Exhibit 7 is a true and correct copy of checks from Theranos
23 addressed to Interfor and David B. Fechheimer, which was produced to defense counsel starting with
24 Bates-stamp SEC-USAO-EPROD-000109533.

25 9. Attached hereto as Exhibit 8 is a true and correct copy of an internal Theranos
26 spreadsheet tracking payments to vendors from March 2015 to February 2016, which was produced to
27 defense counsel as a native file Excel spreadsheet with Bates-stamp THPFM0003587316.

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed at Walnut Creek, California, on September 7, 2021.

DATED: September 7, 2021

/s/ Kelly I. Volkar
KELLY I. VOLKAR
Assistant United States Attorney